

REMARKS

In a Requirement for Restriction and Election of Species ("Requirement") mailed April 2, 2008, the Examiner required an election under 35 U.S.C. § 121 between the following alleged species: Species I (Figure 4), Species II (Figure 5), Species III (Figure 6), Species IV (Figure 7), Species V (Figure 8), and Species VI (Figure 9).

Applicant amends claim 44 to correct a minor informality, and adds claims 59-65. Support for the newly added claims can be found at least with reference to Figure 4, and pages 6, 10, 12, and 15 of the specification.

Applicant provisionally elects to prosecute Species I, Figure 4, with traverse. Applicant submits that claims 1-65 are readable on elected Species I.

The Office Action fails to identify distinct species of a genus. Indeed, there is no discussion of the alleged species in the Office Action. Contrary to the unsupported allegations of the Office Action, Figures 4, 5, 6, 7, 8, and 9 do not disclose species of a genus.


For example, "Fig. 4 depicts an example of the basic organization of a transcoding hints metadata state diagram consisting of three discrete transcoding hints metadata states." Applicant's Specification, p. 12, ll. 6-7. As such, Figure 4 does not represent a different species, but rather represents states showing the underlying basic organization of the metadata.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: May 30, 2008

By: 

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